

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 26 is requested to be cancelled without prejudice.

Claims 1, 18, 30, 32, 38, 40-42, 46, 48, and 49 are currently being amended. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-25 and 27-49 are now pending in this application.

1. Rejection of Claims 1, 2, and 11-17 Under 35 U.S.C. § 101 as Being Directed to Non-Statutory Subject Matter

In section 2 of the Office Action, claims 1, 2, and 11-17 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner stated:

Regarding claim 1, it was drawn to a method. All of the features and the elements of the above mentioned claim represent a mere abstract idea or manipulation of abstract idea – they lack required practical application to produce tangible result. Therefore the claim is non statutory under 35 U.S.C. 101 as not being tangible.

Applicant respectfully disagrees with the Examiner's conclusion. Claim 1 (as amended) recites a combination including, among other elements, "modifying the security protection for the network user node based upon the selected level of security." Applicants respectfully submit that this is a useful, concrete, and tangible result, and that claim 1 therefore recites statutory subject matter. Accordingly, Applicants respectfully request that the rejection of independent claim 1, and corresponding dependent claims 2 and 11-17 under 35 U.S.C. § 101 be withdrawn.

2. Rejection of Claims 1, 2, 11-13, 15, and 16 Under 35 U.S.C. § 102(b) as Anticipated by Goertzel et al.

In section 3 of the Office Action, claims 1, 2, 11-13, 15, and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Goertzel et al. (U.S. Patent No. 6,308,273). Applicants respectfully submit that Goertzel et al. fails to disclose at least one element in each of claims 1, 2, 11-13, 15, and 16.

Claim 1 (as amended) recites a combination including, among other elements, “selecting a single level of security from a group of more than two security levels based on the determined location, the group of more than two security levels being stored in the memory of the network user node,” which is not identically disclosed by Goertzel et al. Specifically, Goertzel et al. does not identically disclose “more than two security levels being stored in the memory of the network user node.” Applicants therefore respectfully submit that independent claim 1 (as amended) is patentable over Goertzel et al. and request that the rejection of independent claim 1, and corresponding dependent claims 2, 11-13, 15, and 16, under 35 U.S.C. § 102(b) be withdrawn.

3. Rejection of Claims 3-10, 18-28, 30-33, 35-37, and 38-48 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Goertzel et al. in View of Bork et al.

In section 4 of the Office Action, claims 3-10, 18-28, 30-33, 35-37, and 38-48 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Goertzel et al. in view of Bork et al. (U.S. Patent No. 6,246,376). Applicants respectfully submit that claims 3-10, 18-28, 30-33, 35-37, and 38-48 are patentable for the reasons that follow.

Claims 3-10 depend from independent claim 1. Claim 1 (as amended) recites a combination including, among other elements, “selecting a single level of security from a group of more than two security levels based on the determined location, the group of more than two security levels being stored in the memory of the network user node,” which is not disclosed by Goertzel et al. Bork et al. fails to make up for the deficiencies of Goertzel et al. Bork et al. is directed to a wireless location and direction indicator for multiple devices. Bork et al. does not disclose “more than two security levels being stored in the memory of the

network user node.” Therefore, Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose at least one element of claim 1.

Furthermore, Goertzel et al. teaches away from the claimed invention. Goertzel et al. assigns access based on virtual locations, where “access is assigned based upon the least trusted location (i.e., the “weakest link”) through which a user’s packets are being routed.” Col. 6, lines 14-17. Goertzel et al. recites “[i]ndeed, a RAS 68₁, 68₂ dial-up user may be closer in physical distance than [a] user at a remote office 64₁, connecting via a T1 line, even though the dial-up user will ordinarily be considered less secure.” Col. 5, lines 20-23. Goertzel et al. thus teaches away from reliance on physical locations to determine and select security levels, providing strong indicia of nonobvious of the present invention, specifically as recited in independent claim 1 (as amended), from which claims 3-10 depend. Applicants therefore respectfully request that the rejection of claims 3-10 under 35 U.S.C. § 103(a) be withdrawn.

Claim 18 has been amended to recite a combination including, among other elements, “a storage device for storing a table of security modifications to be performed based on a plurality of locations for the network user node, the security modifications including more than two levels, the security modifications being defined by a user of the network user node,” which is not disclosed by Goertzel et al., alone or in any proper combination with Bork et al. More specifically, Goertzel et al. does not disclose security modifications “defined by a user of the network node.” Bork et al. fails to make up for the deficiencies of Goertzel et al. because Bork et al. is limited to the determination and display of location and direction information. Therefore, Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose at least one element of claim 18. Accordingly, Applicants request that the rejection of independent claim 18, and corresponding dependent claims 19-28, under 35 U.S.C. § 103(a) be withdrawn.

Claim 30 has been amended to recite a combination including, among other elements, “using a network user node to modify security protection for data to a single level from a group of more than two levels, based upon the physical location information.” As discussed, Goertzel et al. is directed to virtual locations, not physical locations. Bork et al. is limited to a

wireless location and direction indicator for multiple devices. Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose modifying security protection “based upon the physical location information,” as required by claim 30 (as amended). Therefore, Applicants respectfully request that the rejection of independent claim 30, and corresponding dependent claims 32, 33, and 35-37, under 35 U.S.C. § 103(a) be withdrawn.

Claim 38 has been amended to recite a combination including, among other elements, “a storage device coupled to the network user node for storing a table of security modifications to be performed based on a plurality of physical locations for the network user node,” which is not disclosed by Goertzel et al., alone or in any proper combination with Bork et al. As discussed, Goertzel et al. discloses a system for allowing access to a network based upon virtual, rather than physical, location. According to Goertzel et al., “access is assigned based upon the least trusted location (i.e., the “weakest link”) through which a user’s packets are being routed.” Col. 6, lines 14-17. Thus, security modifications are performed not according to physical location, but according to the type of network connections being utilized. Bork et al. is directed to a wireless location and direction indicator for multiple devices. Bork et al. fails to make up for the deficiencies of Goertzel et al. because Bork et al. does not disclose “a storage device coupled to the network user node for storing a table of security modifications to be performed based on a plurality of physical locations for the network user node.” Applicants therefore respectfully request that the rejection of independent claim 38, and corresponding dependent claims 39-48, under 35 U.S.C. § 103(a) be withdrawn.

4. Rejection of Claim 14 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Goertzel et al. in View of Bade et al.

Claim 14 depends from independent claim 1. Claim 1 has been amended to recite a combination including, among other elements, “selecting a single level of security from a group of more than two security levels based on the determined location, the group of more than two security levels being stored in the memory of the network user node.” Bade et al. fails to make up for the deficiencies of Goertzel et al. noted above with respect to claim 1. Bade et al. is directed to a system for providing positional authentication for client-server systems. Bade et al. does not disclose a group of more than two security levels “being stored

in the memory of the network user node,” as recited in independent claim 1, from which claim 14 depends. Accordingly, Applicants request that the rejection of claim 14 under 35 U.S.C. § 103(a) be withdrawn.

5. Rejection of Claims 17, 29, 34, and 49 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Goertzel et al. in View of Bork et al., and Further in View of Kennedy et al.

Claim 17 depends from independent claim 1. As discussed above, Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose “selecting a single level of security from a group of more than two security levels based on the determined location, the group of more than two security levels being stored in the memory of the network user node,” as recited in claim 1 (as amended). Kennedy et al. fails to make up for the deficiencies of Goertzel et al. and Bork et al. Kennedy et al. is directed to a security token to be used with various devices for providing secure functioning independent of the device location. Kennedy et al. does not disclose “selecting a single level of security from a group of more than two security levels based on the determined location, the group of more than two security levels being stored in the memory of the network user node,” as recited in independent claim 1, from which claim 17 depends. Accordingly, Applicants request that the rejection of claim 17 under 35 U.S.C. § 103(a) be withdrawn.

Claim 29 depends from independent claim 18. As discussed above, Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose “a storage device for storing a table of security modification to be performed based on a plurality of locations for the network user node, the security modifications including more than two levels, the security modifications being defined by a user of the network user node,” as recited by claim 18 (as amended). Kennedy et al. fails to make up for the deficiencies of Goertzel et al. and Bork et al. with respect to claim 18. Kennedy et al. is directed to a security token to be used with various devices for providing secure functioning independent of the device location. Kennedy et al. does not disclose “a storage device for storing a table of security modifications to be performed based on a plurality of locations for the network user node, the security modifications including more than two levels, the security modifications being defined by a user of the network user node,” as recited in independent claim 18, from which claim 29

depends. Accordingly, Applicants request that the rejection of claim 29 under 35 U.S.C. § 103(a) be withdrawn.

Claim 34 depends from independent claim 30. As discussed above, Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose “using a network user node to modify security protection for data to a single level from a group of more than two levels, based upon the physical location information,” as recited by claim 30 (as amended). Kennedy et al. fails to make up for the deficiencies of Goertzel et al. and Bork et al. with respect to claim 30. Kennedy et al. is directed to a security token to be used with various devices for providing secure functioning independent of the device location. Kennedy et al. does not disclose “using a network user node to modify security protection for data to a single level from a group of more than two levels, based upon the physical location information,” as recited in independent claim 30, from which claim 34 depends. Accordingly, Applicants request that the rejection of claim 34 under 35 U.S.C. § 103(a) be withdrawn.

Claim 49 depends from independent claim 38. As discussed above, Goertzel et al., alone or in any proper combination with Bork et al., fails to disclose “a storage device coupled to the network user node for storing a table of security modifications to be performed based on a plurality of physical locations for the network user node,” as recited in claim 38 (as amended). Kennedy et al. fails to make up for the deficiencies of Goertzel et al. and Bork et al. with respect to claim 38. Kennedy et al. is directed to a security token to be used with various devices for providing secure functioning independent of the device location. Kennedy et al. does not disclose “a storage device coupled to the network user node for storing a table of security modifications to be performed based on a plurality of physical locations for the network user node,” as recited in independent claim 38, from which claim 49 depends. Accordingly, Applicants request that the rejection of claim 49 under 35 U.S.C. § 103(a) be withdrawn.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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